



PUBLIC SERVICE
EMPLOYEE RELATIONS BOARD

1991/92

annual report

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PUBLIC SERVICE
EMPLOYEE RELATIONS BOARD

ANNUAL REPORT
for the
FISCAL YEAR ENDING MARCH 31, 1992

PUBLISHED BY AUTHORITY OF THE
PUBLIC SERVICE EMPLOYEE RELATIONS BOARD
EDMONTON, ALBERTA



To His Honour
Gordon Towers
Lieutenant Governor of the Province of Alberta

May it please your Honour,

On behalf of the Public Service Employee Relations Board, I respectfully submit to you the Annual Report for the period from April 1, 1991, to March 31, 1992, pursuant to the requirements of section 77 of the Public Service Employee Relations Act, Revised Statutes of Alberta, 1980, Chapter P-33 and amendments thereto.

Respectfully submitted,

Ken Rostad
Attorney General

To The Honourable Ken Rostad
Attorney General

Sir:

I have the honour to submit to you, on behalf of the Public Service Employee Relations Board, the Annual Report of the Board for the fiscal period April 1, 1991, to March 31, 1992.

Respectfully yours,

Thomas W. Wakeling
Chairman



personnel

PUBLIC SERVICE EMPLOYEE RELATIONS BOARD

Chairman - Thomas W. Wakeling

Alternate Chairman - Kenneth J. Alyluia

Members -

Thomas K. Biggs

William Kondro

Kay Willekes

Executive Director - John F. Elsinga

Secretary - Gordon P. Procinsky



**ANNUAL REPORT
OF THE
PUBLIC SERVICE EMPLOYEE RELATIONS BOARD
FOR THE FISCAL PERIOD ENDING MARCH 31, 1992**

introduction

The Public Service Employee Relations Act, Revised Statutes of Alberta 1980, Chapter P-33 came into force on September 22, 1977, upon proclamation by Order in Council 965/77. It was amended in 1983 and again in 1985.

Section 17 of the statute embraces the right of an employee to be a member of and to participate in the lawful activities of a trade union, to bargain collectively with an employer through a bargaining agent. The Act prescribes final and binding arbitration for the resolution of collective bargaining disputes and prohibits strike or lockout action. An employer and bargaining agent may at any time in their collective bargaining make joint application for the appointment of a mediator to assist in settling their dispute.

The legislation also requires that every collective agreement contain a procedure for the resolution of differences between the contracting parties as to the interpretation, application, operation or alleged contravention of their collective agreement.

The Public Service Employee Relations Act describes in considerable detail the basis upon which employees are to be included in or excluded from a bargaining unit of employees. In that regard sections 9 and 21 of the Act confer authority upon the Public Service Employee Relations Board to make final and binding determinations where the bargaining agent and employer are unable to settle the matter of employee status for collective bargaining purposes.

Section 48 of the Act precludes the referral of certain items in dispute between the bargaining parties to arbitration. The Public Service Employee Relations Board has the responsibility and authority under the statute to make such determinations, a function that is an integral part of the Board's activities with respect to each application it receives seeking the establishment of an arbitration board for the resolution of a collective bargaining dispute.

Part 8 of the Act prohibits employees, employers, trade unions and persons acting on their behalf from engaging in certain activities commonly referred to as unfair practices. In this part of the statute, the Public Service Employee Relations Board is given the authority to inquire into complaints alleging such unfair practices and to impose remedial action when satisfied upon inquiry as to the substance of the complaint.

overview

The number of matters brought before the Board was down this year. 1991-92 was an off-year for collective bargaining for many of the bargaining agents and employers within the jurisdiction of the Public Service Employee Relations Act. In most cases, the parties were functioning under the second year of two-year collective agreements. The Board noted increasing success in the efforts by the parties to resolve differences involving the bargaining unit status of employees.

The reported level of activities enabled the Board to operate well under its approved budget allocation. It also provided the Board with a timely opportunity in which to improve its administrative capacity with the implementation of a small computer system to replace existing word processing equipment.

application

The Public Service Employee Relations Act governs collective bargaining and related matters for more than 55,000 public service employees and their employers within the Province of Alberta. The majority of those employees are employed directly by the Crown in right of Alberta in the various departments of the provincial government's administration. They are represented by The Alberta Union of Provincial Employees as their bargaining agent, and function under a common master collective agreement and twelve supplementary contracts, structured on occupational groupings.

Other employers and their employees to whom the Public Service Employee Relations Act applies include the following:

Corporations

- Alberta Agricultural Development Corporation
- Alberta Mortgage and Housing Corporation
- Alberta Oil Sands Technology and Research Authority
- Alberta Opportunity Company
- Hail Crop Insurance Corporation
- Mortgage Properties Inc.

Commissions

- Alberta Alcoholism and Drug Abuse Commission
- Alberta Petroleum Marketing Commission
- Alberta Racing Commission

Universities (academic staff excluded)

- Athabasca University
- University of Alberta
- University of Calgary
- University of Lethbridge

Colleges (academic staff excluded)

- Alberta College of Art
- Banff Centre
- Fairview College
- Grande Prairie Regional College
- Grant MacEwan Community College
- Keyano College
- Lakeland College
- Lethbridge Community College
- Medicine Hat College
- Mount Royal College
- Olds College
- Red Deer College

Technical Institutes (academic staff excluded)

- Southern Alberta Institute of Technology
- Northern Alberta Institute of Technology

Hospitals

- Alberta Cancer Board
- Alberta Children's Provincial General Hospital
- Alberta Hospital Edmonton
- Charles Camshell Provincial General Hospital
- Foothills Provincial General Hospital
- Glenrose Rehabilitation Hospital
- The Mental Health Hospital Board, Ponoka
- University Hospitals Board

Boards

- Teacher's Retirement Fund Board
- Workers' Compensation Board
- Alberta Liquor Control Board (selected offices or departments only)

Councils

- Alberta Research Council

administration & personnel

The Public Service Employee Relations Board consists of a chairman, alternate chairman and four members, all of whom serve in their respective capacities on an ad hoc basis.

During the year under review, Ken Kreklewetz, of Edmonton, resigned from his appointment as a member of the Board.

judicial review - cases

Decisions of the Public Service Employee Relations Board which were the subject of judicial review during the reporting period include the following:

1. Her Majesty the Queen in right of the Province of Alberta,
Edmonton, Alberta
(Applicant)
and
The Alberta Union of Provincial Employees,
Edmonton, Alberta
(Respondent)
and
The Public Service Employee Relations Board,
Edmonton, Alberta
(Respondent)

The Crown challenged a lengthy decision and reasons issued by the Board on February 19, 1989, concerning the implementation of earlier determinations made by the Board as to the bargaining unit status of certain persons employed by the Crown. The Court of Queen's Bench quashed a portion of the Board's decision regarding its jurisdiction and remedial authority under section 6 of the Public Service Employee Relations Act. The Court of Appeal dismissed A.U.P.E.'s appeal on May 8, 1991.
(PSERB Ref. 100-001-502[13])

2. Foothills Provincial General Hospital,
Calgary, Alberta
(Applicant)
and
The Alberta Union of Provincial Employees,
Edmonton, Alberta
(Respondent)
and
The Public Service Employee Relations Board,
Edmonton, Alberta
(Respondent)

In a February 6, 1990 decision, the Board declined to exercise its authority under section 9 of the statute, to remove seven recreational therapists in the Hospital's employ from a bargaining unit represented A.U.P.E. The Hospital applied to the Court of Queen's Bench for an order quashing the Board's decision together with an order of mandamus remitting the application to the Board for determination as per the direction of the Court.

Justice Prowse dismissed the Hospital's judicial review application on July 23, 1990. The Hospital appealed but on January 29, 1992 filed a notice of discontinuance.
(PSERB Ref. 100-041-502)

3. The Health Care Employees Union of Alberta,
Edmonton, Alberta
(Applicant)
and
The Alberta Union of Provincial Employees,
Edmonton, Alberta
(Respondent)
and
Glenrose Rehabilitation Hospital,
Edmonton, Alberta
(Respondent)
and
The Public Service Employee Relations Board,
Edmonton, Alberta
(Respondent)

On March 8, 1991 (reasons for decision issued on April 30, 1991) the Board held that a displacement application for certification of a bargaining agent was timely, contrary to the submissions of the incumbent trade union. By an Originating Notice filed on April 3, 1991 the incumbent trade union applied for judicial review and an order to quash part of the Board's decision.

The Associate Chief Justice of the Court of Queen's Bench of Alberta dismissed the application on December 16, 1991. No appeal was taken from that judgment.
(PSERB Ref. 115-043-502[2])

4. The Health Care Employees Union of Alberta,
Edmonton, Alberta
(Applicant)
and
The Alberta Union of Provincial Employees,
Edmonton, Alberta
(Respondent)
and
Glenrose Rehabilitation Hospital,
Edmonton, Alberta
(Respondent)
and
The Public Service Employee Relations Board,
Edmonton, Alberta
(Respondent)

This matter commenced with a complaint by the incumbent bargaining agent alleging that during the conduct of a representation vote, representatives of the rival trade union had engaged in electioneering contrary to a directive of the Board. The Board dismissed the complaint on April 8, 1991 and issued reasons for decision on June 20, 1991. The incumbent union then applied to the Court of Queen's Bench for an order to set aside the Board's decision. This application, which was consolidated with the above matter, was also dismissed by the Associate Chief Justice.
(PSERB Ref. 115-043-502[2])

5. United Nurses of Alberta,
Edmonton, Alberta
(Applicant)
and
Edna Koloff and Lore Shymanski,
both of Calgary, Alberta
(Respondents)
and
The Public Service Employee Relations Board,
Edmonton, Alberta
(Respondent)

On October 15, 1990, the Board received an unfair labour practice complaint from two individuals alleging that they had been expelled as members of their trade union without a fair hearing and that the standards of discipline of the union had been applied to them in a discriminatory manner. The Board upheld the complaint in a decision issued on October 8, 1991 and directed the union to rescind the disciplinary action it had imposed on the two affected individuals.

U.N.A. applied for judicial review of the Board's decision. However, U.N.A. chose not to proceed and formally discontinued on December 19, 1991.
(PSERB Ref. 160-041-536[2])

6. The Board of Governors of the Southern Alberta Institute of Technology,
Calgary, Alberta
(Applicant)
and
The Alberta Union of Provincial Employees,
Edmonton, Alberta
(Respondent)
and
The Public Service Employee Relations Board,
Edmonton, Alberta
(Respondent)

A.U.P.E. applied for the establishment of an arbitration board. The Board determined that a number of bargaining proposals advanced by the parties were arbitral and to be referred to the arbitration board for resolution.

S.A.I.T. applied for judicial review and an order to quash the Board's decision. The application will be heard in May of 1992.
(PSERB Ref. 140-103-502[3])

ANNUAL STATISTICS AND COMPARATIVE DATA

APRIL 1, 1991 to MARCH 31, 1992

Section of Act	Nature of Application		1989/90	Disposition 1990/91	1991/92
9	Determinations	Granted	4	38	13
		Dismissed	1	4	0
		Withdrawn	5	5	2
		Outstanding	40	8	6
11	Reconsideration	Granted	1	3	10
		Outstanding	1	0	0
		Refused	0	9	0
25	Certification	Granted	1	2	1
		Refused	1	0	0
		Withdrawn	0	0	0
		Outstanding	0	0	0
46	Appointment of Mediator	Granted	1	0	2
		Withdrawn	0	0	0
49	Establish Arbitration Board	Granted	2	7	4
		Refused	0	0	0
		Withdrawn	0	1	1
		Outstanding	4	0	3
52	Appointment of Chairman & Member to Arbitration Board	Granted	0	4	0
		Refused	0	0	0
		Withdrawn	0	0	0
64	Appointment of Adjudicator	Granted	23	10	12
		Withdrawn	3	3	1
		Refused	0	1	0
74	Unfair Practice Complaints	Granted	0	2	4
		Dismissed	1	0	0
		Refused/Withdrawn	0	5	2
		Outstanding	0	0	1
90	Successor Trade Union/Employer	Granted	0	1	1
		Dismissed/Withdrawn	1	1	0

Days of Board Hearings	- 1989/90	32 Days
	- 1990/91	43 Days
	- 1991/92	27 days
Estimated number of employees affected by Certification	- 1989/90	278
	- 1990/91	640
	- 1991/92	261
Estimated number of persons affected by Determinations	- 1989/90	151
	- 1990/91	2055
	- 1991/92	409
Total applications disposed of	- 1989/90	45
	- 1990/91	96
	- 1991/92	53
Total applications outstanding	- 1989/90	45
	- 1990/91	8
	- 1991/92	10

budgetary review

Approved Manpower and Operating Costs

PUBLIC SERVICE EMPLOYEE RELATIONS BOARD

1989/90	465,000*	+3.2*
1990/91	593,136**	+27.6**
1991/92	471,008	-20.6

* Includes \$ 51,200 Special Warrant

** Includes \$268,000 Special Warrant

in appreciation

The Board publicly expresses its appreciation to the Honourable Ken Rostad and his Executive Assistant, Ms. Dana Andreassen, for their assistance and co-operation.

